

REMARKS

With this amendment, claims 26-36 and 38-45 are pending. Claim 37 has been canceled.

The Election of Species dated September 5, 2007, required four elections of species: Election A, additional component; Election B, cell and organ type; Election C, additional agent from claim 37; and Group D, additional agent from claim 38.

With regard to Election A, Applicant elects opioid as the additional component. Claims 26-29, 31, 32, 36, and 38-45 read on the elected species. With regard to Election B, Applicant understands the Election of Species to require election of **one each** of a specific cell, a specific tissue, and a specific organ. Accordingly, Applicant elects myocyte as the cell, heart tissue as the tissue, and heart as the organ. Claims 26-45 read on these elected species. If, however, with respect to Election B, Applicant is to select **only one** of a specific cell, a specific tissue, or a specific organ, applicant elects a cell, with myocyte being the specific cell type elected. In such an instance, claims 26-45 would read on the elected species. With regard to Election C, with this amendment Applicant has canceled claim 37. Accordingly, the election of a particular species for Election C is rendered moot. With regard to Election D, Applicant elects ionic magnesium as the additional agent. Claims 26-45 read on the elected species.

CONCLUSION

In view of the foregoing, Applicant respectfully requests substantive examination of pending claims 26-36 and 38-45.

Applicant does not believe that a fee is due for this response, as it is being filed within the one-month shortened statutory period. However, should Applicant be incorrect, the Commissioner is hereby authorized to charge any necessary fee to Deposit Account No. 19-1345.

Respectfully submitted,

/Timothy B. McBride/

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